

DETAILED ACTION

This action is responsive to the Appeal Brief filed October 15, 2008. Claims 1-34 were pending. *Claims 1-5, 7-26, 28, and 30-34 are allowed and claims 6, 27, and 29 are canceled.*

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward J. Brooks III on November 24, 2008.

The application has been amended as follows:

CLAIMS

1. (Currently Amended) A network management station, comprising:
a processor;
a memory coupled to the processor; and
program instructions provided to the memory and executable by the processor to:
transmit an SNMP message to a device connected to the management station
over a network;
open a socket connection on the device in response to an SNMP error message
returned from the device; and

initiate a time-out function upon opening the socket connection; and
indicate a status of the device based on successful SNMP messages and the
time-out function.

6. (Canceled)

15. (Currently Amended) A method for device status identification, comprising:
transmitting an SNMP message to a device;
opening a socket connection on the device in response to an SNMP error
message returned from the device; ~~and~~

initiating a time-out function upon opening the socket connection; and
indicate a status of the device based on successful SNMP messages and the
time-out function.

26. (Currently Amended) A computer readable medium having instructions for
causing a device to perform a method, comprising:

transmitting an SNMP message to a device on a network;
opening a socket connection on the device in response to an SNMP error
message returned from the device; ~~and~~

initiating a time-out function upon opening the socket connection; and
indicating a status of the device based on successful SNMP messages and the
time-out function.

27. (Canceled)

28. (Currently Amended) A network management station, comprising:
a processor;

a memory coupled to the processor; ~~and~~
means for determining a status of a device connected to the management station over a network in a platform independent manner; and

wherein the means includes program instruction which execute to send a simple network management protocol (SNMP) request to the device;

wherein the means includes program instruction which execute to open a socket connection on the device in response o an ANMP error message returned from the device;

wherein the means includes program instruction which execute to initiate a time-out function upon opening the socket connection; and

wherein the means includes program instruction which execute to indicate a status of the device based on successful SNMP messages and the time-out function.

29. (Canceled)

30. (Currently Amended) The network management station of claim 28 [[29]], wherein the means includes program instruction which execute to register successful SNMP requests as an up status for the device.

31. (Currently Amended) The network management station of claim 28 [[29]], wherein the means includes program instructions which execute to register an up status for the device when:

a return error message to an SNMP request is received by the program instructions; and

a response message associated with opening a socket connection on the device is received by the program instructions prior to an expiration of a time-out function.

32. (Currently Amended) The network management station of claim 28 [[29]], wherein the means includes program instructions which execute to register a down status for the device when:

a return error message to an SNMP request is received by the program instructions; and

a time-out failure message associated with a time-out function is received by the program instructions.

33. (Currently Amended) The network management station of claim 28 [[29]], wherein the means includes program instructions having a platform independent function call to execute instructions which open a socket connection on the device.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach neither singly nor in combination, the claimed limitations of "open a socket connection on the device in response to an SNMP error message returned from the device; and initiate a time-out function upon opening the socket connection; and indicate a status of the device based on successful SNMP messages and the time-out function." as stated in claims 1, 10, 15, 23, 26, 28. These limitations, in conjunction with other limitations in the independent claim, are not specifically disclosed or remotely suggested in the prior art of record. A review of

claims 1-5, 7-26, 28, and 30-34 indicated claims 1-5, 7-26, 28, and 30-34 are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is (571)272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2441

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11/26/2008

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